IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

RP.No. 452 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.14266/2007 Dated 04/05/2007
.....

REVIEW PETITIONER/PETITIONER:

SHEELA VARGHESE, KAVALAKKAL HOUSE,
MANJADI P.O., THIRUVALLA, PATHANAMTHITTA.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENT/RESPONDENT:

BIJU JOSEPH, S/O.K.M.JOSEPH,
KOTTINATTETHU HOUSE, KULANADA.P.O.
PANDALAM, PATHANAMTHITTA DIST.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran &

T.R.Ramachandran Nair, JJ.

R.P.No.452 of 2007 in

W.P.(C)No. 14266 of 2007

ORDER

Balachandran, J.

This review petition has been filed by the mother, who is having custody of the minor child and it is submitted that pursuant to Annexure A2 agreement entered into between the mother and father of the minor child, the custody of the minor is permitted to be with the petitioner mother. Annexure A2 agreement provides for visitorial rights and provision is made for interim custody of the child for the father, on the minor attaining the age of five years.

2. The argument that is advanced by the learned counsel for the petitioner is that in view of such an agreement, the family Court has no jurisdiction to order production of the child before that court.

The argument is so advanced on a misunderstanding of the provisions of law. This review petition has been moved even without complying with the direction of this Court in judgment dated 4.5.2007 in the writ petition. The petitioner cannot take an adamant stand that she will not produce the minor child before the Family Court in compliance with its order or in compliance with the order of this Court passed in the writ petition.

There is absolutely no merit in this review petition and this review petition is dismissed. The Family Court shall be at liberty to take all appropriate steps to have the presence of the child before it as directed in the judgment dated 4.5.2007 in the writ petition.

(K.P.Balachandran, Judge)

5th June, 2007

(T.R.Ramachandran Nair, Judge)

tkv